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# STAFF COMMENTS

## ZONING BOARD OF APPEALS MEETING

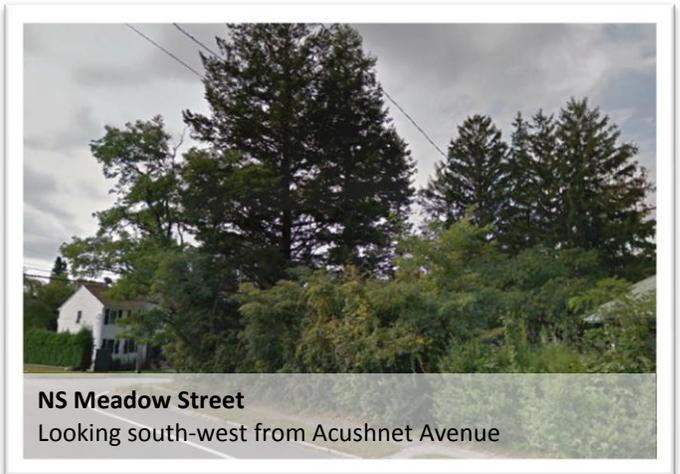
February 12, 2016

**Case # 4220: VARIANCE**

NW corner of Meadow Street and  
Acushnet Avenue  
(a.k.a. NS Meadow Street)  
Map: 137, Lot: 279

**Owner/  
Applicant:** DPM Development Corporation  
70 Lambeth Street  
New Bedford, MA 02745

**Representative  
of petitioner:** SITEC, INC  
449 Faunce Corner Road  
Dartmouth, MA 02747



**NS Meadow Street**  
Looking south-west from Acushnet Avenue

**Overview of Request:** The petitioner has submitted an application for a **Variance** relative to the property listed above in a Mixed-Use-Business [MUB] zoned district. The petitioner proposes to erect a 28' x 28' single family residential dwelling on the undeveloped parcel of land listed above. The project requires dimensional relief as the property lot area is 5,406 sq. ft where an 8,000 sq. ft. minimum is required and the proposed lot frontage is 60' where 75' is required.

As with all variances, the board must find that there are circumstances relating to the soil conditions, shape or topography which especially affect the land in question, but which do not affect generally the zoning district in which the land or structure in question is located. The ZBA must find that if the city were to literally enforce the zoning ordinance, due to these circumstances unique to this land or structure, it would mean substantial hardship to the petitioner. And, in granting the desired relief it would not take away from the purpose of the zoning ordinance and be without substantial detriment to the public good.

**Existing Conditions:** The 5,406 sq. ft. lot corner undeveloped lot has 60' frontage on Acushnet Avenue and 78' on Meadow Street. Located in the city's north end near Sassaquin Pond, the surrounding neighborhood is primarily residential properties, with the exception of a counseling practice located across the street on Acushnet Avenue. Larger lot sizes directly abut the proposed residence, while lot sizes of a similar and smaller scale are located across the street and in the nearby neighborhood to the south.

**Proposal:** The petitioner proposes to build a 28'x28' single-family dwelling with a 12'x12' deck in the rear. The project includes a 12' x 42'+ driveway and a retaining wall along the northern property line. The petitioner's agent submitted report states "the house has been positioned on the lot in compliance with all residential setback requirements for a single family home in the Mixed Use Business District." The petitioner's agent highlights that the property in a MUB district could be used for a commercial property with less restrictive dimensional requirements. The petitioner's agent indicates that due to the site shape and topography it would be a hardship for the petitioner to develop the property for a commercial use and a residential use would be "less intrusive in the neighborhood, preserve more open space, and would be substantially less detrimental than an alternative commercial use."

**For Board Member Consideration:** The subject lot does not meet current dimensional requirements of zoning as noted above, as it is under the 8,000 sq. ft. minimum lot size and the frontage on Acushnet Avenue is less than the required 75'. The petitioner could meet the minimum frontage on Meadow Street (82') however perhaps due to the topography on the lot a dwelling facing Meadow Street was seen as more challenging. The lot is smaller than those directly abutting it, yet is similarly-sized when compared with other properties located in the Sassaquin Pond neighborhood.

If granted, the petitioner is encouraged to retain some of the existing trees on the lot; to this end the Board may wish to consider conditioning any approval with a requirement that the city planner be provided with a site plan including a landscaping plan prior to the issuance of a building permit and that the city planner would have to review and approve of the resulting landscaping prior to signing off on a certificate of occupancy.



**NS Meadow Street Map: 137, Lot: 279**

*NOTE: Property line is approximate; for discussion purposes, only.*

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Google earth

41°44'10.54" N 70°56'41.71" W elev 147 ft eye alt 1047 ft